

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Joseph Barrett et al.	Art Unit :	2151
Serial No. :	09/666,140	Examiner :	Van Kim T. Nguyen
Filed :	September 20, 2000	Conf. No. :	5787
Title :	SECURING AN ACCESSIBLE COMPUTER SYSTEM		

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO NOTICE OF NON-RESPONSIVE AMENDMENT OF OCTOBER 30, 2008

The Notice of Non-Responsive Amendment of October 30, 2008 indicates that the Amendment filed on July 29, 2008 is considered non-responsive because applicant fails to respond to the rejection under 35 U.S.C. § 101 in the Office Action of March 27, 2008. In the Office Action of March 27, 2008, claims 15-37 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, page 5, lines 4-5 and page 6, lines 24-25 of Applicant's specification are said to suggest that the system of claims 15-37 may be reasonably implemented as software per se. Applicant respectfully disagrees.

In particular, independent claims 15 and 25 each recite a system for securing an accessible computer system comprising a switch. Applicant's specification describes that a switch "generally includes a hardware component and a software component." Specification at page 4, line 27. Accordingly, Applicant submits that a switch, as recited in claims 15 and 25, includes hardware and, therefore, the system of claims 15-37 are not software per se. Although page 5, lines 4-5 describes that an access provider may be "software or hardware" and page 6, lines 24-25 describes that, in other implementations, components of a switch "may be resident on an access provider," the cited portions do not suggest that a switch may be software or negate the earlier description at page 4, line 27 that a switch includes hardware. Therefore, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant has addressed all of the issues raised by the Notice of Non-Responsive Amendment. For the Examiner's convenience, Applicant has reproduced the amendments to the claims and the arguments presented in the Amendment filed on July 29, 2008.

Please amend the above-identified application as follows:

Listing of Claims begins on page 2.

Remarks being on page 15.